GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1714 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. N.V. Bandiwadekar for Petitioner.

Mr. R.V. More for Respondent No. 3.

Mr. C.R. Sonawane, A.G.P. for Respondent No. 1.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 07, 2005

P.C.

. By the present petition, petitioner prays that he be treated as deemed permanent employee under the provisions of Section 5 of the Maharashtra Employees (Private Schools) Act, 1998. On perusal of the records, we find that he Petitioner was first appointed on 8.10.1984 as part time lecturer and thereafter continued as such from time to time till the year 1990. The Petitioner thereafter was appointed as full time lecturer. That was in the leave

vacancy of one Sou. H.R. Gaikwad during the period of deputation. It was continued for the period of three years. It is based on this part time appointment and appointment on full time basis that the petitioner seeks deemed status. Perusal of Section 5 would indicate the procedure which the Management has to follow to fill in every permanent vacancy. It can thus be seen that only candidates who are selected against permanent vacancy in the matter set out therein can be deemed to be confirmed after completion of two years. In the instant case, the petitioner was not appointed against a regular vacancy and hence, Section 5 would not apply. There is no merit in this petition which is accordingly rejected.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)